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Interested Allowed. On fixed deposit for 12 months, 4 per cent per annum. On fixed deposit for 6 months, 31/2 per cent per an .m. On fixed deposit for 3 months, 3 per

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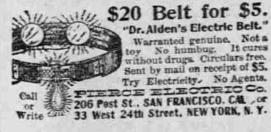
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Three Decisions by the Supreme Court.

CARTER DEED IS CONSTRUED

Justice Perry in Kaikainahaole Case Talks About Congested Calendar.

The Supreme Court rendered three opinions yesterday, affirming the lower court in the case of J. O. Carter vs. Koolau Kaikainahaole, and Mary K. Tibbetts vs. S. Paili and reversing Judge Humphreys in the case of J. O. Carter, Trustee vs. Sybil A. Carter, et

The last case was upon the construction of the deed of Helen S. Judd and others of the premises known as "Sweet Home" to J. O. Carter in favor of Sybil Carter, since deceased, and others.

The trustee first asked whether he should resign in favor of J. R. Galt as requested. The Supreme Court in an opinion by Chief Justice Frear says that the mere request is not sufficient and Mr. Carter need not resign. The court adds: "He may do so or not, as

ne pleases." The second question is whether the trustee should comply with the request of Sybil A. Carter with the consent of her children, to convey the premises to George R. Carter for \$15,-000. The court says that the trust calls for the compliance of the guardian and the children being of age, this condition cannot be fulfilled.

The third question as to whether the trust terminated when the youngest child became of age is also answered in the negative. The court says that the trust did not terminate but is to continue through the lifetime of the Q life tenant, notwithstanding the arrival of all the children at the prescribed age meanwhile. No opinion is expressed as to the fourth question, which was to be answered in the event that the trust had been terminated. The Supreme Court says "The decree of the Circuit Judge is in accordance with the foregoing views on the first three questions but it goes further and sets forth instructions on other questions. As to such further instructions upon which we express no opinion, the decree is

THE KAIKAINAHAOLE CASE. The Supreme Court affirms the decision in the case of J. O. Carter vs. Kgolau Kaikainahaole, administratrix, holding that there is no jurisdiction to issue a writ of possession in equity. This is the case in which there has been so much trouble recently in the police court over the possession of the premises now occupied jointly by both parties. Reference is made in the decision to the plea regarding the contice Perry in the decision stating: "The delay due to the present condition of the calendar in the first circuit-assuming the facts to be as stated by the appellant-does not of itself render the remedy slow or inadequate within the meaning of the rule or principle in question. If the contention of comassumption or denial of jurisdiction by equity would become a matter of great uncertainty, based upon an ever varying state of circumstances. It is to be observed, moreover, that no real or permanent improvement in conditions would follow from the adoption of the view if such were otherwise possible, that equity could take jurisdiction whenever a trial could thus be reached at an earlier date. The result would simply be to reverse conditions and to unduly encumber the calendar of equity

ANOTHER AFFIRMATION. In the case of Mary K. Tibbetts vs. S. Pali, guardian of Olive Lahela, the 5 lower court was also affirmed. The Supreme Court held:

"A motion to set aside a default is addressed to the discretion of the trial judge and is not subject to review on exceptions in the absence of an abuse of discretion.

"The finding of a jury on a question of fact will not be set aside by this court where there is evidence to sup-

#### MILL COMPANIES GO INTO COURT

The Enterprise Mill Company has filed an assumpsit suit against the Pacific Mill Co., and the Hawailan Engineering Co., Percy Pond, Albion F. lifetime Clark, W. R. Castle, Jr., W. H. G. Arnemann, Emmett May and A. A. Young for \$1179.15. The plaintiff sets forth that on December 14, 1900, it eased to May and Arnemann two pieces of land used by the Enterprise Mill Co., on Richards, Queen and Alakea streets, made by and between Bruce Cartwright, trustee, as lessor, and Peter High, lessee, for the term of eight years and four months at a rental of \$3600 peannum in advance in monthly installments of \$300. On January 16, 1901, May and Arnemann are alleged to have as signed to the defendant, the Pacific Mill Co., all their rights in the premises. From December 15, 1900, until September 15, 1902, the defendants are alleged to have been in possession agreeing to the plaintiff alleges it has been com-

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